

## CLASSIFICATION ACT OF 1912 NOT CONSTITUTIONAL

Because the classification act of 1912, in which the counties of the state are divided into 14 classes, is so framed as to make it impossible for it to operate upon counties according to their population and because it searches out and legislates for the counties in effect by name, rather than by a difference of population, the supreme court yesterday held that the act is special and local legislation and therefore unconstitutional.

Under the classification act of 1912, county officers in all of the 14 counties of the state have been drawing salaries, which may prove to be unprovided for by the law. Many of them may be forced to pay back money drawn for salaries, and others may be entitled to more money than they have drawn.

An act of the territorial legislature of 1901, fixed the salaries of all county officials, and the supreme court is of the opinion that the law of 1901 should be the statute under which county officials are paid.

The case was brought to the supreme court by Frank La Hout, former county assessor of Mohave county, who sued the county for his salary under the law of 1901, claiming that the 1912 law was class legislation, inasmuch as it classified the counties arbitrarily.

The court finds that the most serious objection to the act is that it fails

to provide any way by which one county may pass from one class to another. A county assigned to a class must always, regardless of any change of population, remain in that class. While the act in form is general in substance, it is special and local. Stripped of circumlocution, it is in effect fourteen special acts, one for each county. The court infers that the act might just as well have named the county outright and omitted all classifications.

The court finds that the act takes the present population of the different counties as a basis of its pretended classification and makes that population the permanent standard of fixing the salaries of county officers. The court states that laws of this kind have been condemned by all courts.

Justice Ross, who wrote the decision, states that "For the reason that the classification in the act of 1912 is so framed as to make it impossible for it to operate upon counties according to their population and because it searches out and legislates for the counties in effect by name, rather than by a difference of population, I am firmly convinced that it is special and local legislation, and is therefore violative of the constitution."

In conclusion Justice Ross makes it plain that some of the officers may be entitled to more money, and others may be forced to pay back excess drawn under the act of 1912. He has the following to say in regard to this:

"Officers like the plaintiff, who are not satisfied with the salary that has been paid them under the act of 1912 but insist upon being paid under the laws of 1901, should bear in mind that the salaries fixed by the latter act, were in full of all other compensation and that if they have been paid expenses and allowed assistance under the act of 1912 in excess of that allowed by the law of 1901, they should likewise account in their settlement with the county for those sums."

The judgment of the lower court was reversed and the case remanded for

## ARMED OFFICERS BRING DAVIS TO REPOSE IN JAIL

Joe Davis, slim, well dressed, perfectly groomed and looking as little like a desperate character as a man can, arrived at the county jail last night handcuffed, shackled and guarded by Sheriff Wilky, United States Marshal Joe Dillon, and Deputy Sheriff Warren, is said to be the quickest man on the trigger, and the hardest individual to keep behind the bars of any prisoner ever brought to Phoenix.

The officers took no chances with him. He was arrested some time ago in Oklahoma by Deputy United States Marshals charged with being implicated in the hold up of a Southern Pacific passenger train near Apache, Arizona. Four alleged confederates have also been caught, two of whom, one a woman, are at present in the jail here.

Davis has been known as a bad character for some time. When he was arrested in Oklahoma, he was even more carefully guarded than upon his arrival here. He was brought to Prescott guarded by four deputies and allowed to remain in jail there for some time. His trial is scheduled to take further proceedings not inconsistent with the opinion.

Justice Cunningham dissented from the opinion written by Justice Ross and concurred in by Justice Franklin.

## Woman is Game Warden of Great Sunshine State

The state of Arizona has a woman for a game warden. Mrs. Maybelle Craig, chief deputy to State Game Warden G. M. Willard, is at present presiding over that office, and is in full charge of everything connected with that department.

For the first time in the history of the state, a woman is presiding over the department, which regulates man's chief sport, hunting. She is boss of all the rangers, and it ill behoves any man to dispute her rules and regulations concerning the hunting of birds, the killing of big game or the catching of fish.

Game Warden Willard has left the state. It is the first time he has been absent from duty since his introduction into office several years ago.

place in Tucson in a few days, and his transfer was carefully planned. Dillon, Sheriff Wilky and Deputy Warren left for Prescott two nights ago. When they left the mile high city, they had Davis so thoroughly shackled that he couldn't get away if he wanted to. There was some fear though, that there might be an attempted rescue. The officers armed themselves with sawed off shot guns, and made up their minds that if anything was attempted the slaughter would be something fearful. A guard was placed inside the jail last night.

Davis equally as well guarded as when he arrived last night, will be taken to Tucson this morning.

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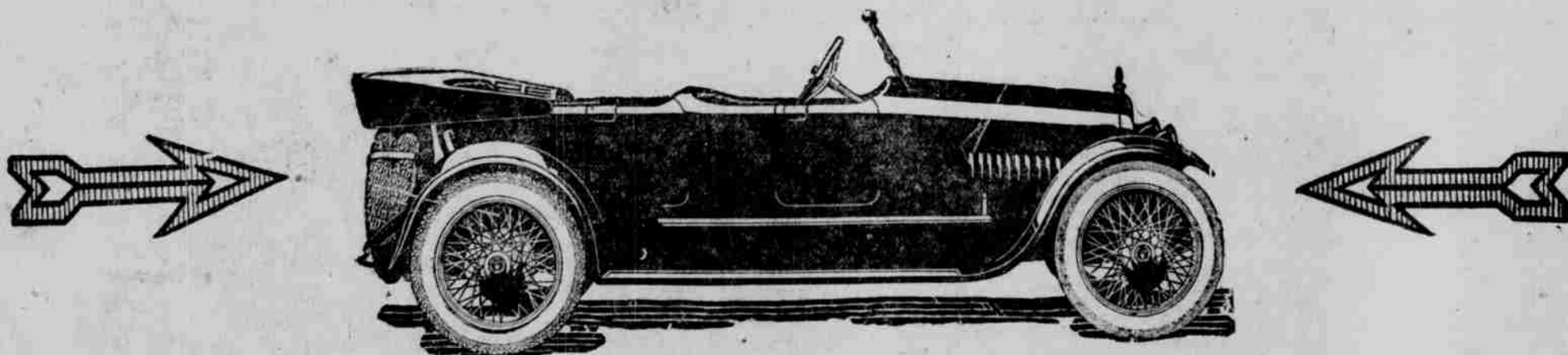
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